

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

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Applicant:	DAIICHI SUNTORY PHARMA CO., LTD.		Date of Notification: Date: <u>27</u> Month: <u>06</u> Year: <u>2003</u>
Attorney:	WEI YONGLIANG		
Application No.:	99800113.9		
Title of the Invention:	PROCESS FOR PRODUCING PEPTIDE WITH THE USE OF ACCESSORY PEPTIDE		



Notification of the First Office Action (PCT Application in the National Phase)

1. The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").
 The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. The applicant claimed priority/priorities based on the application(s):
filed in Japan on 1998/1/30, filed in _____ on _____,
filed in _____ on _____, filed in _____ on _____.
3. The following amendments submitted by the applicant are not acceptable under Art. 33 of the Patent Law:
 The Chinese translation of the amendments annexed to the IPEA Report.
 The Chinese translation of the amendments made under Art. 19 of PCT.
 The amendments made under Art. 28 or Art. 41 of PCT.
 The amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
Specific reasons why the amendments are not acceptable are set forth in the text portion of this Notification.
4. Examination was directed to the Chinese translation of the International Application as originally filed.
 Examination was directed to the application documents as specified below:
 Description Pages _____ of the Chinese translation of the International Application as originally filed.
 Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
 Pages _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 Pages _____ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
 Claims The Chinese translation of claims _____ of the International Application as originally filed.
 The Chinese translation of claims _____ of the amendments made under Art. 19 of PCT.
 The Chinese translation of claims _____ of the amendments annexed to the IPEA Report.
 The Chinese translation of claims _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 The amendments of the claims _____ made under Rule 51 of the Implementing Regulations of the Patent Law.
 Drawings Pages _____ of the Chinese translation of the International Application as originally filed.
 Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
 Pages _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 Pages _____ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
5. Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	CN1167155A	Date: <u>10</u> Month: <u>12</u> Year: <u>1997</u>
2		Date: _____
3		Date: _____
4		Date: _____
5		Date: _____

6. Conclusions of the Action:

On the Specification:

- The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- The description does not comply with Article 26 paragraph 3 of the Patent Law.
- The draft of the description does not comply with Rule 18 of the Implementing Regulations.

On the Claims:

- Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
- Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- Claim(s) 25,26,27 does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- Claim(s) 1-24,26 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- Claim(s) 1 does/do not comply with Article 26 paragraph 4 of the Patent Law.
- Claim(s) 1,25,26,27 does/do not comply with Article 31 paragraph 1 of the Patent Law.
- Claim(s) 1,3-6,8-10,12-25 does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- Claim(s) _____ does/do not comply with Article 9 of the Patent Law.
- Claim(s) _____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

The explanations to the above conclusions are set forth in the text portion of this Notification.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- The applicant should make amendments as directed in the text portion of the Notification.
- The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
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8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 5 pages and the following attachments:

- 1 cited reference(s), totaling 60 pages.

Examination Dept. 9 Examiner: GU Xueying Seal of the Examination Department